

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21672 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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BISWAJIT KUMAR S/o Umashankar Mandal Resident of Village -
Gandhipur, P.s.- Bariarpur, Distt.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.P.

(Bhagalpur Rail) P.S. Case No. 143 of 2021 registered for the

offences punishable under Section 30(a) of Bihar Prohibition

and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 25.92 litre English wine from possession of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 02.11.2021 and bears criminal

antecedent of two cases in which he is on bail. Charge sheet has



been submitted in the case and there is no likelihood of tampering the evidence. He further submits that procedure of 100 Cr.P.C. and Section 90 of Bihar Prohibition and Excise Act have not been followed. Petitioner is innocent and has been falsely implicated in the present case and there is no independent witness of seizure list. The petitioner has no concern with the alleged seized article.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX cum Special Excise Judge-1, Bhagalpur in connection with G.R.P. (Bhagalpur Rail) P.S. Case No. 143 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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